

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL GRAHAM,

Plaintiff,

-against-

ORDER
19-CV-7095 (JS) (SIL)

CITY OF LONG BEACH SANITATION
DEPARTMENT,

Defendants.

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APPEARANCES

For Plaintiff: Michael Graham, pro se
49A East Pine Street
Long Beach, NY 11561

For Defendant: No appearance

SEYBERT, District Judge:

On December 16, 2019, pro se plaintiff Michael Graham ("Plaintiff") filed a Complaint against the City of Long Beach Sanitation Department ("Defendant") together with an application to proceed in forma pauperis. For the reasons that follow, the application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE and with leave to renew upon completion of the AO 239 in forma pauperis application form. Alternatively, Plaintiff may remit the \$400.00 filing fee.

On the in forma pauperis application, Plaintiff has left blank the question on the form that asks for employment status and reports that he has not received any money from any source within the last twelve (12) months, with the exception of "[d]isability,

or worker's compensation payments". (See IFP Mot., D.E. 2, ¶¶ 2-3.) Although the form requires that "the amount received and what you expect to receive in the future" be provided, Plaintiff has not included such information. (IFP Mot. at 1.) Plaintiff avers that he has \$938.00 in cash or in a checking or savings account and he reports no regular monthly expenses, including housing, transportation, utilities, or otherwise except for "student loan payments" in an unspecified amount. (IFP Mot., ¶¶ 4-6.) In response to the question on the form that calls for the description of "[a]ny debts or financial obligations (describe the amounts owed and to whom they are payable)", Plaintiff wrote only "two credit cards" and does not provide the sum owed. (IFP Mot. ¶ 8.)

Thus, because the responses provided by Plaintiff on the in forma pauperis application do not permit the Court to conclude that Plaintiff is qualified to proceed in forma pauperis, Plaintiff's application is DENIED WITHOUT PREJUDICE to a renewal thereof upon completion of the AO 239 in forma pauperis application form annexed to this Order. Under the circumstances, Plaintiff can best set forth his current financial position on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure

to timely comply with this Order will lead to the dismissal of the Complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court is directed to mail a copy of this Order and the AO 239 in forma pauperis application form to Plaintiff at his last known address.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 21, 2020
Central Islip, New York